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TAGS: [PREL](#) [EUN](#) [PGOV](#) [ZL](#) [ZI](#) [RU](#) [UP](#) [GM](#)
SUBJECT: GERMAN VIEWS ON THE JANUARY 26-27 EU GAERC MEETING

REF: A. STATE 4297
[1](#)B. STATE 5430
[1](#)C. BERLIN 88
[1](#)D. 08 BERLIN 1475

Classified By: POLITICAL MINISTER COUNSELOR JEFF RATHKE. REASONS: 1.4 (B) AND (D).

[1](#)1. (C) SUMMARY. Germany favors only a general EU statement of support for the closing of Guantanamo, which would leave specific actions -- like accepting detainees -- up to member states to decide. Given the differing views within the German government on accepting detainees, Chancellor Merkel has put off making a decision one way or the other until presented with a concrete request by the new U.S. Administration. Germany supported the decision to remove Western Balkans from the GAERC agenda because it feared that discussion of Montenegro's EU application would precipitate a more general political discussion about the EU aspirations of the whole region. Given that the Lisbon Treaty remains in limbo, Germany wants to put off that discussion at least until the Gymnich meeting in late March. Germany's position regarding the OHR in Bosnia has shifted significantly in the past few months. It now supports moving to an EU Special Representation Mission soon rather than later, even without complete fulfillment of the 5-plus-2 agenda. END SUMMARY.

[1](#)2. (C) Post delivered ref A points to MFA Deputy European Correspondent Thomas Schieb January 16 and followed up with him January 23 to get his reactions. Post also delivered the Gaza points contained in ref B and have reported the latest German views per ref C.

GUANTANAMO

[1](#)3. (C) Schieb noted that FM Steinmeier had been outspoken in saying that Germany should be prepared to accept some Guantanamo detainees to assist in the closing of the facility. He also conceded that there has been considerable push-back by other members of the Grand Coalition government, most notably from Interior Minister Schaeuble, who have argued that resettlement of the detainees is purely a U.S. problem. Nonetheless, the official German position, as articulated earlier this week by a Chancellery spokesman, is to remain open and to make no decisions or commitments on this issue until a concrete proposal is received from the new U.S. Administration. Schieb said Germany does not favor a detailed or prescriptive EU position on the issue of detainees, but rather just a general statement of support for closing Guantanamo, which leaves specific actions up to individual members states to decide.

WESTERN BALKANS

14. (C) Schieb said that the COREPER had decided yesterday (January 22) to remove Western Balkans from the agenda of the GAERC. Germany had supported this move because it did not feel it was timely to discuss Montenegro's recent EU membership application, which would have precipitated a more general political discussion about the EU aspirations of the entire region. Schieb noted that Germany continued to hold the view that no further EU enlargement was possible until the new institutions and procedures provided under the Lisbon Treaty were in place. Therefore, Germany did not think it was prudent to take Lisbon Treaty ratification for granted by plunging into a discussion of further enlargement. Schieb conceded that a number of other EU members were pushing EU enlargement to send a positive signal to the region, but Germany thought it would be better to put off this discussion until at least the Gymnich meeting at the end of March.

15. (C) On Serbia, Schieb said that Germany favored implementing the interim agreement with Belgrade, but that some members state -- particularly the Netherlands -- continued to block in the absence of full cooperation with the ICTY. Schieb noted, however, that one area where engagement was going forward was on visa liberalization. The EU Commission had launched a dialogue with Belgrade on extending visa-free travel to the Serbs, but the success of this effort would depend on Belgrade meeting certain benchmarks, especially on improving rule of law, combating organized crime, etc.

16. (C) On Bosnia, Schieb noted the sudden departure of HiRep

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Lajcak to become the new Slovak FM had come at an inopportune time, given the challenges in BiH. Nonetheless, Germany supported moving sooner rather than later to an EU Special Representative mission. Offering an EU perspective was the perhaps best leverage the international community had over Bosnia. Schieb argued that maintaining the Office of the High Representative (OHR) no longer made sense, given that the Bonn Powers were obsolete and could not be realistically re-imposed. He rejected tying closure of the OHR to fulfillment of all of the outstanding 5-plus-2 objectives and conditions. (Comment: This constitutes a considerable change in Germany's position, which as recently as of October last year, as reported ref D, still supported maintaining the OHR until the 5-plus-2 agenda had been completely fulfilled. End Comment.)

ZIMBABWE

17. (C) Schieb said that EU foreign ministers were expected to agree on a "slight" expansion of the list of individuals subject to the EU visa ban and asset freeze.

RUSSIAN-UKRAINE GAS DISPUTE

18. (C) Schieb said this energy and gas would be one of the main topics during the morning part of the GAERC, and that relations with Russia and Ukraine would be discussed over lunch. Schieb thought the gas crisis had helped underline just how important it was for the EU to make real progress in diversifying its energy sources as well as its supply routes.

He thought that "neither Russia nor Ukraine had done themselves any favors" during the crisis. That said, Schieb did not anticipate any immediate consequences. No one, for example, was talking about suspending the Partnership and Cooperation Agreement (PCA) talks with Russia.
Koenig